



1632

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Allen

Atty. Ref.: 3866-4

Serial No. 09/696,686

Group: 1632

Filed: October 26, 2000

Examiner: Ton

For: TRANSGENIC MICE CONTAINING TRP GENE DISRUPTIONS

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July 18, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop Petitions

APPROVED
[Signature]
S/P, TC/1600
7/31/03

Sir:

PETITION TO WITHDRAW AS COUNSEL

Pursuant to 37 CFR 1.36, the undersigned attorney requests on his behalf, and on the behalf of the other attorneys mentioned in the Power of Attorney, namely Larry S. Nixon, 25640; Robert A. Vanderhye, 27076; Arthur R. Crawford, 25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; Updeep S. Gill, 37334; Michael J. Shea, 34725; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Raymond Y. Mah, 41426; J. Scott Davidson 33489; James Berquist 34776; and Donald Jackson 41090; to withdraw from representation in this application. B. J. Sadoff is signing on behalf of each of the other attorneys set forth above.

There is an outstanding Action dated February 24, 2003, with a final due date for responding of August 24, 2003. The above-identified attorneys have been advised on July 17, 2003 by way of receipt of the attached ORDER FOR PAYMENT OF STATE AND FEDERAL TAXES dated July 10, 2003, that the assignee of the above-identified application, DELTAGEN, Inc., for whom and on whose behalf the undersigned has acted in the above, is in Chapter 11 Bankruptcy.

The present address of the attorneys seeking withdrawal is **Nixon & Vanderhye P.C.**, 1100 North Glebe Rd., 8th Floor, Arlington, Virginia 222014714.

The last known address of the owner of the patent rights is DELTAGEN, 700 Bay Road, Redwood City, California 94063. The last known phone number of the in-house patent counsel for Deltagen, Inc., Robert Driscoll, Esq. is 650-569-5168.

The last known address of the inventor is as follows:

Keith D. Allen
224 Custer Trail
Cary, North Carolina 27513

A Change of Address is attached requesting that the Patent Office direct all future correspondence in the above to the following:

Robert Driscoll, Esq.
Reg No. 47536
Deltagen, Inc.
740 Bay Road
Redwood City, CA 94063-2469
Tel 650-569-5100
Fax 650-569-5280

A separate Associate Power of attorney is attached in favor of Mr. Driscoll, to the extent the same is required or deemed necessary for Mr. Driscoll to prosecute the above-identified application.


Allen
Serial No. 09/696,686

Three originals of this request are enclosed.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



B. J. Sadoff
Reg. No. 36,663

BJS:
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

JUL 18 2003

UNITED STATES BANKRUPTCY COURT
Northern District of California

In Re: Dennis Montali

Debtor(s)

Case No.: 03-31906 DM 11

Chapter: 11

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ORDER FOR PAYMENT OF STATE AND FEDERAL TAXES

The debtor above-named, during the period it is permitted to remain in possession of its estate, is hereby ordered:

1. To segregate and hold separate and apart from all other funds, all withholding, social security (both employees', and employer's portions), excise and agricultural taxes or other monies collected, received or withheld for or on behalf of the United States or the State of California.
2. To make timely payment of amounts owing in paragraph 1 above to the Internal Revenue Service, an agency of the United States, as follows:
 - A. Debtor shall pay taxes arising out of the payment of wages or salaries within five business days after debtor has paid such salaries or wages.
 - B. Debtor shall pay all other taxes within five business days after the last day of each calendar month, or within such shorter period as the court may order upon ex-parte application of the United States.
 - C. The payment shall be made to the Internal Revenue Service, Attention: Chief, Special Procedures Staff, Suite 1000S, 1301 Clay Street, Oakland, California 94612.
3. To make timely payments to the State of California, Department of Benefit Payments, of all unemployment insurance, disability insurance and withheld State of California personal income taxes within five business days after the debtor has paid wages or salaries creating the tax obligations. Payment of the taxes shall be made to Chief, Tax Collection Section, Employment Development Department, P.O. Box 82603, Sacramento, California 94230.
4. To make timely payment to the State of California, Board of Equalization, of all sales and use taxes which are due to it, at the time required by law.
5. To file all Federal and State tax returns on a timely basis. The Federal returns shall be filed with the Internal Revenue Service, Attention: Chief, Special Procedures Staff, at the address shown above. The returns to be filed with the State of California, California Department of Benefit Payments, shall be filed at the address shown above. The returns to be filed with the California Board of Equalization shall be filed where required by law.
6. To file with the Court on or before the 20th day of each month a verified statement for the preceding calendar month showing (1) the amounts collected, received or deducted for each taxing agency; (2) the total amount expended for gross payroll; (3) the amount received from gross sales; and (4) the amount paid to each taxing agency and dates of payments. Upon filing, a copy of each such monthly statement shall be transmitted to the Internal Revenue Service and the the California Department of Benefit Payments at the addresses shown above.
7. The provisions of the foregoing paragraphs shall be effective as of the date of the petition initiating this proceeding. If the debtor fails to comply with this order; this proceeding may be dismissed or an order may be entered converting the proceeding to a Chapter 7 liquidation.

Dated: 7/10/03

By the Court:

Dennis Montali
United States Bankruptcy Judge